

Public Laws

ENACTED DURING THE

SECOND SESSION OF THE EIGHTY-FOURTH CONGRESS

OF THE

UNITED STATES OF AMERICA

Begun and held at the City of Washington on Tuesday, January 3, 1956, and adjourned sine die on Friday, July 27, 1956. DWIGHT D. EISENHOWER, President; RICHARD M. NIXON, Vice President; SAM RAYBURN, Speaker of the House of Representatives.

Public Law 391

CHAPTER 1

AN ACT

To amend the Communications Act of 1934 in regard to protests of grants of instruments of authorization without hearing.

January 20, 1956
[H. R. 5614]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 309 of the Communications Act of 1934, as amended, is amended to read as follows:

“(c) When any instrument of authorization is granted by the Commission without a hearing as provided in subsection (a) hereof, such grant shall remain subject to protest as hereinafter provided for a period of thirty days. During such thirty-day period any party in interest may file a protest under oath directed to such grant and request a hearing on said application so granted. Any protest so filed shall be served on the grantee, shall contain such allegations of fact as will show the protestant to be a party in interest, and shall specify with particularity the facts relied upon by the protestant as showing that the grant was improperly made or would otherwise not be in the public interest. The Commission shall, within thirty days of the filing of the protest, render a decision making findings as to the sufficiency of the protest in meeting the above requirements; and, where it so finds, shall designate the application for hearing upon issues relating to all matters specified in the protest as grounds for setting aside the grant, except with respect to such matters as to which the Commission, after affording protestant an opportunity for oral argument, finds, for reasons set forth in the decision, that, even if the facts alleged were to be proven, no grounds for setting aside the grant are presented.

Communications
Act of 1934, a-
mendment.
66 Stat. 715.
47 USC 309.

The Commission may in such decision redraft the issues urged by the protestant in accordance with the facts or substantive matters alleged in the protest, and may also specify in such decision that the application be set for hearing upon such further issues as it may prescribe, as well as whether it is adopting as its own any of the issues resulting from the matters specified in the protest. In any hearing subsequently held upon such application issues specified by the Commission upon its own initiative or adopted by it shall be tried in the same manner provided in subsection (b) hereof, but with respect to issues resulting from facts set forth in the protest and not adopted or specified by the Commission, on its own motion, both the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the protestant. The hearing and determination of cases arising under this subsection shall be expedited by the Commission and pending hearing and decision the effective date of the Commission's action to which protest is made shall be postponed to the effective date of the Commission's decision after hearing, unless the authorization involved is necessary to the maintenance or conduct of an existing service, or unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing."

Approved January 20, 1956.

Public Law 392

CHAPTER 2

AN ACT

January 25, 1956
[H. R. 1768]

For the relief of the Jefferson and Plaquemines Drainage District and certain persons whose properties abut on the Federal Government's right-of-way for Harvey Canal in Louisiana.

Jefferson and
Plaquemines
Drainage Dis-
trict, La.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred on the United States District Court for the Eastern District of Louisiana, New Orleans Division, to hear, determine, and render judgment fixing the boundary between the east right-of-way line for Harvey Canal (a segment of the Intracoastal Canal in Louisiana), south of the eighty-arpent line, and the abutting properties and the easement, servitude and right of use for levee purposes adjacent to said right-of-way line, claimed by the Jefferson and Plaquemines Drainage District, and which said right-of-way was conveyed to the United States by act of sale from Harvey Canal Land and Improvement Company on March 10, 1924, and registered in the records of the parish of Jefferson, State of Louisiana, on March 10, 1924, in conveyance book 61, folio 443. In the determination of such matter all defenses of the United States based upon laches, lapses of time, statutes of limitation, prescriptive periods, and estoppel arising out of the issuance of permits for any activities or constructions along said Harvey Canal, are hereby waived.

SEC. 2. Such suit may be instituted at any time within one year after the enactment of this Act by Jefferson and Plaquemines Drainage District or any of said abutting property owners, and any of said other parties may join or intervene in such action. Nothing in this Act shall be construed as an inference of liability on the part of the United States.